

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re: : CHAPTER 7
:
Lukasz Jaroslaw Wejman, :
:
Debtor. : CASE NO.: 23-12806 (AMC)

**MOTION TO DISMISS CASE
BY THE UNITED STATES TRUSTEE**

Andrew R. Vara, United States trustee for Regions 3 & 9, (“UST”), by and through the undersigned counsel, hereby submits this Motion pursuant to 11 U.S.C. § 707(a) and Federal Rules of Bankruptcy Procedure 1017(F) and 9014, to dismiss this case, (“Motion”). “Cause” exists to dismiss this case because LuKasz Jaroslaw Wejman (“Debtor) has (a) made omissions and misstatements in his schedules; (b) failed provide financial information requested by the chapter 7 trustee; (c) failed to accurately report his income and expenses his schedules; (d) failed to disclose his interest in business entities; and (e) failed to disclose his interest in financial accounts; and because Debtor has unreasonably delayed the instant proceeding that has impaired the administration of this case and which is prejudicial to creditors.

I. PRELIMINARY:

A. Summary of Facts

1. Debtor filed a voluntary Chapter 7 bankruptcy Petition on September 18, 2023.
2. Debtor is an individual.
3. Debtor claims that his debts are primarily consumer debts as defined in 11 U.S.C. Sec. 101(8).

4. Christine Shubert was appointed as the chapter 7 trustee.

5. Debtor has failed to file accurate Schedules and Statement of Affairs, including but limited to Debtor's failure to accurately disclose his income and expenses, interest in bank accounts, ownership in commercial enterprises, and place of residence.

6. Debtor has repeatedly failed to fully respond to the chapter 7 trustee's numerous requests for financial documents.

7. As a result, the chapter 7 trustee has been compelled to continue and rescheduled Debtor's meetings of creditors four times, (next scheduled meeting is now set for March 27, 2024).

8. This court entered several Orders, lastly on January 8, 2024, extending the time to file a Motion under 707 and/or a Complaint under section 727 or 523 of the Bankruptcy Code and to object to exemptions to May 31, 2024, thereby making the instant Motion timely filed.

B. Jurisdiction

9. The Bankruptcy Court has jurisdiction over this bankruptcy case pursuant to 28 U.S.C. §§ 1334 and 157(b).

10. The United States trustee brings this Motion pursuant to the statutory duty to monitor bankruptcy cases under 28 U.S.C. § 586(a)(3).

11. The United States trustee has standing to prosecute the Motion pursuant to 11 U.S.C. §§ 307 and 1112 and FRBP 1017 and 9014.

II. MEMORNDUM OF POINTS AND AUTHORITIES:

C. Cause Exists Under 11 U.S.C. §707 to Dismiss This Bankruptcy Case.

12. 11 U.S.C. § 707(a) provides in pertinent part:

(a) The court may dismiss a case under this chapter only after notice and hearing and only for cause, including—

(1) unreasonable delay by the debtor that is prejudicial to creditors;

(2) . . .

(3) Failure of the debtor in a voluntary case to file, within 15 days where such additional time as the court may allow after the filing of the petition commencing such case, information required by paragraph (1) of section 521(a), but only on a motion by the United States trustee.

13. Debtor has failed to provide financial information requested by the chapter 7 trustee.

14. Debtor has failed to fully disclose his income and assets as required by section 521(a).

15. Debtor's failure to make full and sufficient financial disclosures and accurately complete his bankruptcy schedules, and failure to provide the chapter 7 trustee with requested financial information, constitutes unreasonable delay, which is prejudicial to creditors, and thus constitutes cause under Section 707(a) for dismissal.

16. Debtor's failure to meet his burdens and responsibilities in this proceeding impairs and is prejudicial to the administration of the debtor's estate, and as such, constitutes bad faith and cause for dismissal.

CONCLUSION

WHEREFORE, the United States trustee moves the Court to enter an order (a) granting the Motion dismissing the above captioned case, and/or (b) granting such other relief as is just under circumstances.

Respectfully submitted,

ANDREW R. VARA
UNITED STATES TRUSTEE
For Regions 3 and 9

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